

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 9 and 14 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 9 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanter (U.S. Patent 5,537,314) in view of Postrel (U.S. Patent 6,594,640) in further view of Hoffman (U.S. Patent 6,012,039).

Applicants respectfully object to the Examiner's analysis for continuing to use the terminology of the canceled claims when comparing the cited prior art; rather than using the present claim terminology. By continuing to use the canceled claim language, it is impossible to determine precisely which features of the prior art are being compared to the present claim limitations. Furthermore, the Examiner repeatedly cites entire figures, rather than specific elements within the figure, to match the specific elements of the present invention. This makes comparison difficult since an important aspect of the invention is the manner in which the elements are combined, not just that each element is present in the system. Accordingly,

Applicants request the Examiner use the present claim terminology (which matches the elements shown in Figure 1) and to compare each limitation with specific element(s) in the references.

Regardless, the present recite that “the point account database contains a service provider table including service provider IDs, corresponding financial institution IDs and account numbers for said plurality of service providers and a point management table including customer information, a corresponding number of issued points, dates on which points were acquired; dates on which points will expire, service provider IDs responsible for the issued points, and a redemption rate.” (Claims 9 and 14) Figures 10A and 10B show examples of “the service provider table” and “point management table.” (Specification page 25, lines 17-37) Applicants respectfully assert that neither Kanter, Postrel nor Hoffman discloses an analogous “service provider table” or “point management table” as required in the present invention. Accordingly, Kanter, Postrel and Hoffman fail to meet the “service provider table” or “point management table” limitations recited in the present claims. Therefore, for at least this reason, Kanter, Postrel and Hoffman fail to obviate the present invention and the rejected claims should now be allowed.

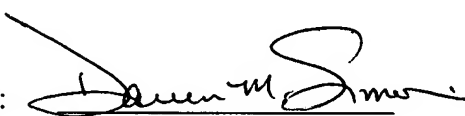
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are required, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", written over a horizontal line.

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